**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.582 OF 2006
WITH
CIVIL APPLICATION NO.759 OF 2006

Om Shiv Mandir Trust & Ors. ..Appellant.

V/s.

The Municipal Corpn. of Gr.Mumbai. ..Respondent.

Mr.Indu Prakash for Mr.C.K.Tripathi for appellant.

Mrs.Geeta Joglekar for respondent.

**CORAM: A.M.KHANWILKAR,J**

**DATE : AUGUST 9, 2006.**

**P.C. :**

1. Heard.

2. Counsel for the Corporation has brought to my notice the order passed by the Division Bench of this Court in the Public Interest Litigation pending before this Court, in which direction for demolition of places of worship, which are illegal and unauthorised, has been passed dated 20th November, 2003 in W.P.No.2063 of 2002. That order clearly provides that if the affected party has any grievance, that can be agitated only by way of Writ Petition, to be filed before this Court, which will be placed before the Bench presided over by the

Honourable the Chief Justice for appropriate orders. In view of the observations made in this order, it was not open to the appellants/plaintiffs to file suit before the City Civil Court challenging the proposed action of demolition of the temple in terms of the direction given by this Court in the said proceeding.

3. Accordingly, this appeal is disposed of with liberty to the appellants to file writ petition before this court within three weeks, which will have to be placed before the Honourable the Chief Justice for appropriate orders, to be heard by the Bench nominated by the Honourable the Chief Justice for that purpose in terms of order dated 20th November, 2003, referred to above.

4. The appellants through counsel assure that they will take steps to withdraw the suit filed before the City Civil Court before instituting writ petition in this court in view of the liberty granted under this order. That assurance is accepted.

5. To facilitate the appellants to comply with the above requirements, it is ordered that no precipitative action be taken in respect of the suit

structure for a period of four weeks from today as I am informed that the Writ Petition No.2063 of 2002, which is Public Interest Litigation is listed sometime in first week of September, 2006. Interim protection in respect of the suit structure shall operate for a period of four weeks from today or till such other order to be passed by the Division Bench taking above said writ petition(W.P.No.2063 of 2002) or proposed writ petition to be filed by the appellants.

6. Civil application disposed of accordingly.